

Application No.: 05768373.2

01.02.08

### Final Instructions

for closing an application (loss of all rights).

#### FINDING:

1. ☒ No use has been made of any of the legal remedies available.  
☐ The decision refusing the appeal/request for re-establishment of rights/request for further processing/request for a decision pursuant to Rule 112(2) EPC has become final.
2. ☐ The application will not be dealt with as a European patent application (Art. 90(2) EPC).  
☐ The decision refusing the application has become final.  
☒ The application is deemed to be withdrawn.
3. Form 1320 has been dispatched (if necessary).
4. The return of Form 1320 is to be monitored by coding "BEEF".

08-02-2008  
(Date)

Phielix, Willem  
(Formalities Officer)

#### FINDING:

5. Checked with regard to costs; where applicable, refund ordered (RFAC).

#### INSTRUCTIONS:

6. ADWI(3) or ~~REF~~(3) and DEAD have been coded.

Receiving Section

08-02-2008  
(Date)

Phielix, Willem  
(Formalities Officer)



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JAPON



EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date  
23-10-2007

Reference	Application No./Patent No. 05768373.2 - 1234 PCT/JP2005014282
Applicant/Proprietor MATSUSHITA ELECTRIC WORKS, LTD.	

#### Noting of loss of rights pursuant to Rule 112(1) EPC

The European patent application cited above is deemed to be withdrawn (R. 160(1) EPC) for the following reason(s):

- a) ☒ translation of the international application into one of the EPO's official languages (Art. 153(4) EPC) not filed within the period specified in Rule 159(1)(a) EPC
- b) ☒ filing fee  
☒ search fee  
☒ designation fees  
☒ request for examination

not validly paid/not made within the time limit specified in Rule 159(1)(c)-(f) EPC

- (c) ☐ payment of the above fees on ....., after expiry of the period for payment (on ).

#### Means of redress

##### Request for a decision (R. 112(2) EPC)

If the applicant considers that the finding of the European Patent Office is inaccurate, he may, within a (non-extendable) period of **two months** after notification of this communication, apply in writing for a decision on the matter. The application can only lead to the finding being reversed if this does not actually correspond to the factual or legal situation.

##### Further processing (Art. 121 EPC)

The legal consequence of the failure to observe the time limit shall be deemed not to have ensued if, within a (non-extendable) period of **two months** after notification of this communication, further processing is requested by payment of the fee prescribed under Article 2(12) of the Rules relating to Fees and the omitted act is completed (R. 135(1) EPC).

It should be noted that in case of non-observance of the time limit for filing the translation and non-payment of the relevant fees, both the flat-rate amount ("other cases") and 50% of the relevant fees become payable as further processing fees.

**Request under Article 7(3) and (4) Rules relating to Fees**

The fee is considered to have been paid in due time if, within a period of **two months** from notification of this communication and in accordance with the requirements under Article 7(3) and (4) Rules relating to Fees, evidence is provided to the EPO that the payment was effected in an EPC Contracting State within the period in which the payment should have been made and, if applicable, the surcharge of 10% of the relevant fee(s) is paid.

**Note**

For applicants not having either a residence or principal place of business within the territory of one of the EPC Contracting States, the completion of the omitted acts (other than the non-payment of fees) for the purposes of a request under Article 121 EPC, or the filing of a request under Rule 112(2) EPC may only be undertaken by a professional representative authorised to act before the EPO.

**Receiving Section**

Van Laar-Rabelink, Bertie

Enclosure: Schedule of Fees



**Gebühren für in die europäische Phase eintretende internationale Anmeldungen in EURO \***  
**Fees for international applications entering the European phase in EURO \***  
**Taxes pour les demandes internationales entrant dans la phase européenne en EURO \***

<b>Anmeldegebühr / Filing fee / Taxe de dépôt:</b>  Das Formblatt für den Eintritt in die europäische Phase (EPA Form 1200) wird <b>auf Papier</b> eingereicht: The form for entry into the European phase (EPO Form 1200) is filed <b>on paper</b> : Le formulaire d'entrée dans la phase européenne (OEB Form 1200) est déposée <b>sur papier</b> :	170,00
Das Formblatt für den Eintritt in die europäische Phase (EPA Form 1200) wird <b>online</b> eingereicht: The form for entry into the European phase (EPO Form 1200) is filed <b>online</b> : Le formulaire d'entrée dans la phase européenne (OEB Form 1200) est déposée <b>en ligne</b> :	95,00
<b>Recherchegebühr / Search fee / Taxe de recherche **:</b>  Anwendbar für <b>ab dem 1. Juli 2005</b> eingereichte internationale Anmeldungen: Applicable to international applications, filed <b>on or after 1 July 2005</b> : Applicable aux demandes internationales déposées <b>à compter du 1er juillet 2005</b> :	1000,00
Anwendbar für <b>vor dem 1. Juli 2005</b> eingereichte internationale Anmeldungen: Applicable to international applications filed <b>before 1 July 2005</b> : Applicable aux demandes internationales déposées <b>avant le 1er juillet 2005</b> :	720,00
<b>Bennennungsgebühr</b> für jeden benannten Vertragsstaat (siebenfacher Betrag = alle Vertragsstaaten): <b>Designation fee</b> for each contracting state designated (seven times the amount = all contracting states): <b>Taxe de désignation</b> pour chaque État contractant désigné (sept fois cette taxe = tous les États contractants):	80,00
<b>Prüfungsgebühr / Examination fee / Taxe d'examen **:</b>  Anwendbar für <b>vor dem 1. Juli 2005</b> eingereichte internationale Anmeldungen: Applicable to international applications filed <b>before 1 July 2005</b> : Applicable aux demandes internationales déposées <b>avant le 1er juillet 2005</b> :	1490,00
Anwendbar für <b>ab dem 1. Juli 2005</b> eingereichte internationale Anmeldungen: Applicable to international applications filed <b>on or after 1 July 2005</b> : Applicable aux demandes internationales déposées <b>à compter du 1er juillet 2005</b> :	1335,00
Anwendbar für <b>ab dem 1. Juli 2005</b> eingereichte internationale Anmeldungen, für die <b>kein</b> ergänzender europäischer Recherchenbericht erstellt wird (Art. 153(7) EPU): Applicable to international applications filed <b>on or after 1 July 2005</b> for which <b>no</b> supplementary European search report is drawn up (Art. 153(7) EPC): Applicable aux demandes internationales déposées <b>à compter du 1er juillet 2005</b> pour lesquelles il <b>n'est pas</b> établi de rapport complémentaire de recherche européenne (Art. 153(7) CBE):	1490,00
Bei verspäteter Gebührenzahlung / In the event of late payment of a fee / En cas de retard de paiement de taxe:  <b>Weiterbehandlungsgebühr</b> (Regel 135(1) EPÜ, Art. 2 Gebührenordnung): <b>Fee for further processing</b> (Rule 135(1) EPC, Art. 2 Rules relating to fees): <b>Taxe de poursuite de la procédure</b> (Règle 135(1) CBE, Art. 2 Règlement relatif aux taxes):	50% der betreffenden Gebühr 50% of the relevant fee 50% de la taxe concernée
<b>Pauschalgebühr</b> für eine <b>zusätzliche Abschrift</b> der im europäischen Recherchenbericht aufgeführten Schriften: <b>Fiat-rate</b> for an <b>additional copy</b> of the documents cited in the European search report: <b>Taxe forfaitaire</b> pour une <b>copie supplémentaire</b> des documents cités dans le rapport de recherche européen:	25,00

\* = Siehe Beschluss des Verwaltungsrats vom 07.12.06 zur Änderung der Gebührenordnung (Sonderausgabe Nr. 1, ABI EPA 2007, 199 und 201)  
See Decision of the Administrative Council of 07.12.06 amending the Rules relating to fees (Special edition No. 1, OJ EPO 2007, 199 and 201)  
Voir Décision du Conseil d'administration du 07.12.06 modifiant le règlement relatif aux taxes (Edition spéciale No. 1, JO OEB 2007, 199 et 201)

\*\* = Siehe Mitteilung des Europäischen Patentamts vom 01.03.06 über Recherchen- und Prüfungsgebühren (ABI EPA 2006, 192)  
See Notice from the European Patent Office dated 01.03.06 concerning search and examination fees (OJ EPO 2006, 192)  
Voir Communiqué de l'Office Européen des Brevets du 01.03.06 relatif aux taxes de recherche et d'examen (JO OEB 2006, 192)

**Bankkonten der Europäischen Patentorganisation in EURO (09.07)**  
**Bank accounts of the European Patent Organisation in EURO (09.07)**  
**Comptes bancaires de l'Organisation européenne des brevets en EURO (09.07)**

Staat Country Pays	Bankkonten Bank accounts Comptes bancaires	Staat Country Pays	Bankkonten Bank accounts Comptes bancaires	Staat Country Pays	Bankkonten Bank accounts Comptes bancaires
AT	No. 102-133-851/00 (BLZ 12 000) IBAN AT91 1200 0102 1338 5100 BIC BKAUATWW Bank Austria Creditanstalt AG Am Hof 2 Postfach 52000 A-1010 Wien	FR	No. 30004 00567 00020020463 29 (RIB) IBAN FR76 3000 4005 6700 0200 2046 329 BIC BNPAFRPPPOP BNP - Paribas Agence: Paris Clientèle Internationale 2, Place de l'Opéra F-75002 Paris	MC	No. 30004 09179 00025422154 91 (RIB) IBAN FR76 3000 4091 7900 0254 2215 491 BIC BNPAFRPPAMC BNP - Paribas Agence Monaco Charles III Avenue de la Madone MC-98000 Monaco
BE	No. 310-0449878-78 IBAN BE69 3100 4498 7878 BIC BBRUBEBB ING Belgium Mamix Business Branch 1, rue du Trône B-1000 Bruxelles	GB	No. 86 98 72 66 (Sorting Code 20-47-35) IBAN GB10 BARC 2047 3586 9872 66 BIC BARCGB22 Barclays Bank plc International Corporate PO Box 391 38 Hans Crescent Knightsbridge GB-London SW1X 0LZ	MT	Not yet available Noch nicht verfügbar Pas encore disponible
BG	No. 1465104501 IBAN BG72 UNCR 7630 1465 1045 01 BIC UNCRGBSF Unicredit Bulbank 7, Sveta Nedelya Sq. BG-1000 Sofia	GR	No. 112002002007046 IBAN GR36 0140 1120 1120 0200 2007 046 BIC CRBAGRAAXXX Alpha Bank Athens Tower Branch 2, Messoghion Avenue GR-115 27 Athens	NL	No. 51 36 38 547 IBAN NL54 ABNA 0513 6385 47 BIC ABNANL2A ABN AMRO Bank NV Kneuterdijk 1, Postbus 165 NL-2501 AP Den Haag
CH	No. 230-322 005 60 M IBAN CH49 0023 0230 3220 0560 M BIC UBSWCHZH80A UBS Bahnhofstrasse 45 CH-8021 Zürich	HU	No. 11764946-00239880 IBAN HU46 1176 4946 0023 9880 0000 0000 BIC OTPVHUHB OTP Bank Rt. Központi Fiók Deák Ferenc utca 7-9 HU-1052 Budapest	NO	Envisages to become a member state as from 01.01.08
CY	No. 0155-41-190144-48 IBAN CY68 0020 0155 0000 0041 1901 4448 BIC BCYPCY2N Bank of Cyprus 2-4 Them. Dervi Street. P.O. Box 1472 CY-1599 Nicosia	IE	No. 309 822 01 (Bank Code 901 490) IBAN IE10 BOFI 9014 9030 9822 01 BIC BOFIE2D Bank of Ireland Lower Baggot Street Branch P.O. Box 3131 IRL-Dublin 2	PL	No. 42103015080000000504088003 IBAN PL42 1030 1508 0000 0005 0408 8003 BIC CITIPLPX Bank Handlowy w Warszawie S.A. Senatorska 16 PL-00-923 Warszawa
CZ	No. 01841280/0300 IBAN CZ52 0300 1712 8010 1700 2453 BIC CEKOCZPP Ceskoslovenska Obchodni Banka A.S. Na Příkopě 854/14 CZ-11520 Praha 1 - Nové Město	IS	No. 0101-38-710440 IBAN IS77 0101 3871 0440 4312 0490 80 BIC LAISISRE Id no. EPO 431204-9080 (compulsary) National Bank of Iceland Main Branch Austurstræti 11 IS 101 Reykjavík	PT	No. 2088391145 IBAN PT50 0033 0000 0208 8391 1452 2 BIC BCOMPTPL Millennium bcp Banco Comercial Português Av. Fontes Pereira de Melo, 7 P-1050-115 Lisboa
DE	No. 3 338 800 00 (BLZ 700 800 00) IBAN DE20 7008 0000 0333 880000 BIC DRESDEFF Dresdner Bank Promenadeplatz 7 D-80273 München SWIFT Code: DRESDEFF700	IT	No. 936632 01 94 (conto estero) IBAN IT21 E030 6905 0200 0936 8320 194 BIC BCITITMM700 ABI 03069 / CAB 05020 Intesa Sanpaolo S.P.A. Via del Corso, 226 I-00186 Roma	RO	Not yet available Noch nicht verfügbar Pas encore disponible
DK	No. 3001014560 IBAN DK94 3000 3001 0145 60 BIC DABADKKK Danske Bank A/S Holmens Kanal Dept. Holmens Kanal 2-12 DK-1092 Copenhagen K.	LT	No. LT52 7044 0600 0559 2279 IBAN LT52 7044 0600 0559 2279 BIC CBVILT2X AB SEB Vilniaus bankas Gedimino pr. 12 LT-1103 Vilnius	SE	No. 99-48857939 IBAN SE08 6000 0000 0000 4885 7939 BIC HANDSESS SHB CUBB-K3 Svenska Handelsbanken S-106 70 Stockholm
EE	No. 10220025988223 IBAN EE24 1010 2200 2598 8223 BIC EEUHEE2X SEB Eesti Ühispank AS Tomimäe 2, Tallinn EE-15010 Tallinn	LU	No. 7-108/9134/200 IBAN LU41 0027 1089 1342 0000 BIC BILLLULL DEXIA - Banque Internationale à Luxembourg 69, Route d'Esch L-2953 Luxembourg	SI	No. 03500-1000001709 IBAN SI56 0350 0100 0001 709 BIC SKBASIXX SKB Banka D.D. Ajdovščina 4 SI-1513 Ljubljana
ES	No. 0182-5906-88-029-0348002 IBAN ES74 0182 5906 8802 9034 8002 BIC BBVAESMM Banco Bilbao Vizcaya Argentaria S.A. (BBVA) Calle Alcalá 16, 3e Planta E-28014 Madrid	LV	No. LV40UNLA0050008873109 IBAN LV40UNLA0050008873109 BIC UNLALV2XXXX SEB Latvijas Unibanka Unicentrs, Kekavas Pagasts LV-1076 Rīgas Rajons	SK	No. 2920480237 (Bank code 1100) IBAN SK89 1100 0000 0029 2048 0237 BIC TATRSKBX Tabra Banka A.S. Branch Banská Bystrica Dolná 2 SK-97401 Banská Bystrica
FI	No. 200118-182076 IBAN FI28 2001 1800 1820 76 BIC DEAFIHH Nordea Bank Finland plc, Aleksanterinkatu 36, 1200 Helsinki FIN-00020 Nordea			TR	No. 4214-301120-1039000 IBAN not implemented BIC Türkiye İS Bankası A.S. Gazi Mustafa Kemal Bulvarı 8 TR-06640 Kızılay / Ankara

## **Annex to loss of rights communications covered by the transitional provisions relating to EPC 2000**

### **1. Information on the transitional arrangements applied by the EPO with regard to further processing pursuant to Article 121 of the revised EPC (EPC 2000)**

Article 121 EPC 2000 applies to European patent applications pending when EPC 2000 enters into force, provided the time limits for requesting further processing have not yet expired at that time (see the decision of the Administrative Council of 28 June 2001 on the transitional provisions under Article 7 of the Act revising the EPC of 29 November 2000, Special Edition 1, OJ EPO 2007, 197).

To facilitate the changeover from the old to the new law, the EPO has begun issuing communications under Rule 112(1) EPC 2000 before EPC 2000 enters into force, thereby enabling applicants to request further processing under EPC 2000. The communication under Rule 112(1) EPC 2000 informs applicants that this remedy can be applied for if further processing for the non-observed time limit is available under EPC 2000.

This transitional arrangement is limited to cases in which the time limit for requesting further processing expires on or after the date on which EPC 2000 enters into force (see the decision of the Administrative Council referred to above).

If, in response to the communication under Rule 112(1) EPC 2000, a request for further processing is filed before EPC 2000 enters into force, the EPO will process it after EPC 2000 has entered into force.

Further processing is to be requested by payment of the relevant amount of the fee prescribed in the Rules relating to Fees (RRF) under EPC 2000 (see the decision of the Administrative Council of 7 December 2006 amending the Rules relating to Fees, Special Edition 1, OJ EPO 2007, 199; Article 2, item 12, RRF). Attention is drawn to the fact that the omitted act must be completed within the period for making the request (see Rule 135(1) EPC 2000).

### **2. Information on the transitional arrangements applied by the EPO with regard to the procedures under Rules 85a/85b and 108(3) EPC 1973 as replaced by further processing**

Under EPC 2000, the procedure for paying the filing, search, designation and examination fees (plus the relevant surcharge) within a period of grace after the expiry of the basic time limit - as provided under Rule 85a/85b EPC 1973 - no longer exists. Instead, EPC 2000 provides for the issuing of a loss of rights communication (Rule 112(1) EPC 2000) giving the applicant the opportunity to request further processing under Article 121 EPC 2000.

To facilitate the changeover from the old to the new law, the EPO has begun issuing communications under Rule 112(1) EPC 2000 instead of communications under Rule 85a/85b EPC 1973 before EPC 2000 enters into force, thereby enabling applicants to request further processing under EPC 2000. This transitional

arrangement is limited to cases in which the time limit for requesting further processing expires on or after the entry into force of EPC 2000 (see the decision of the Administrative Council referred to above).

**Euro-PCT:** The principles set out above apply *mutatis mutandis* to the procedure under Rule 108(3) EPC 1973. Where the time limit for requesting further processing expires on or after the entry into force of EPC 2000, a communication under Rule 160(3) EPC 2000 will be sent, giving the applicant the opportunity to request further processing under EPC 2000.



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Date

08.10.07

Reference

Application No./Patent No.

05768373.2 - 1234 PCT/JP2005014282

Applicant/Proprietor

MATSUSHITA ELECTRIC WORKS, LTD.

**Notice drawing attention to Article 86(2) EPC, Art. 2 No. 5 of the rules relating to fees  
- Payment of the renewal fee plus additional fee -**

The renewal fee for the 03. year fell due on 31.08.07 unless this date falls within the period covered by an interruption of the proceedings in accordance with Rule 90(1) EPC.

The amount of the renewal fee on that date was EUR 400,00 (see OJ EPO 2001, 374, 377, 378, and 543).

**The renewal fee was not paid by the due date.**

The renewal fee may still be validly paid up to the last day of the sixth calendar month following the due date, provided that the additional fee (10% of the renewal fee) is paid at the same time.

Within the above period which cannot be extended the following fees are to be paid:

Renewal fee for the 03. year:	EUR	400,00
Additional fee:	EUR	40,00
		-----
<b>TOTAL AMOUNT</b>	EUR	<b>440,00</b>

If the renewal fee and the additional fee are not paid in due time, the European patent application shall be deemed to be withdrawn (Art.86(3) EPC).

**Note to users of the automatic debiting procedure:**

The normal time limit for payment of the above renewal fee had already expired when the automatic debit order was received. The renewal fee and the surcharge will be debited automatically on the last day of the period of grace (Supplement to OJ EPO 2/1999; OJ EPO 2000, 62).

**Receiving Section**

